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Attorneys for Plaintiff,
PHILLIP GARCIA GUEVARA



UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CV11 04089 RGK (FFMx)
Case No.

PHILLIP GARCIA GUEVARA,

Plaintiff,

vs.

CITY OF SANTA PAULA, CHIEF
STEVE MACKINNON, and DOES 1
through 10, inclusive,

Defendants.

COMPLAINT FOR DAMAGES

1. VIOLATION/DEPRIVATION
OF CIVIL RIGHTS UNDER
COLOR OF LAW
[42 U.S.C. 1983, et. Seq.]
2. ASSAULT AND BATTERY;
3. VIOLATION OF CIVIL
RIGHTS PURSUANT TO CIVIL
CODE §§51.7 and 52.1(b)
4. NEGLIGENCE

DEMAND FOR JURY TRIAL

COMES NOW Plaintiff, PHILLIP GARCIA GUEVARA, and for causes of
action against Defendants, and each of them, complain and allege as follows:

JURISDICTION AND VENUE

1. Jurisdiction in this Honorable Court arises pursuant to Federal Statute,
under 28 U.S.C. §§1331, 1343, and 1367. Jurisdiction is further established in this
Honorable Court under 42 U.S.C. §§ 1983, 1985, and 1986.

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1 2. Venue is proper in District Court, pursuant to 28 U.S.C. §1391, as the
2 underlying acts, omissions, events, injuries and related facts and circumstances upon
3 which the present action are based, occurred in the County of Ventura, State of
4 California, within the boundaries of the Central District of this Honorable Court.

5 **GENERAL ALLEGATIONS**

6 3. Plaintiff, an individual, is and at all times mentioned herein was, a
7 resident of the State of California.

8 4. At all times mentioned herein Defendant CITY OF SANTA PAULA, and
9 DOE 1, was a public entity, duly organized and existing under and by virtue of the
10 laws of the State of California.

11 5. Plaintiff is informed and believes and thereupon alleges, that at all times
12 relevant herein, the individual Defendants, including CHIEF STEVE MACKINNON
13 and DOES 2 through 10, and each of them, were residents of the State of California,
14 and were Chiefs of police, sergeants, captains, lieutenants, detectives, commanders,
15 police officers, and employees, agents, servants, policy makers and representatives
16 of Defendants CITY OF SANTA PAULA and DOE 1. Each individual Defendant
17 is sued in his individual capacity.

18 6. At all times relevant herein, Defendants CHIEF STEVE MACKINNON
19 and DOES 2 through 10, and each of them, were acting under color of law, to wit,
20 under the color of the statutes, ordinances, regulations, policies, customs, practices
21 and usages of Defendants CITY OF SANTA PAULA, and DOE 1. Said Defendants
22 were acting within the course and scope of their employment with Defendants CITY
23 OF SANTA PAULA, and DOE 1, and the wrongful acts hereinafter described flow
24 from the very exercise of their authority. Each Defendant was also acting as an
25 employee, agent and representative of each and every other Defendant herein, and in
26 doing the acts herein alleged were acting with the permission, consent, ratification
27 and authority of their co-defendants.

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1 7. Plaintiff is informed and believes, and thereupon alleges that at all times
2 relevant herein, Defendant CHIEF STEVE MACKINNON and DOES 2 through 4
3 were Sheriffs, supervisors and policy makers for Defendants CITY OF SANTA
4 PAULA and DOE 1.

5 8. Plaintiff is ignorant of the true names and capacities of Defendants sued
6 herein as DOES 1 through 10, inclusive, and therefore sues these Defendants by such
7 fictitious names. Plaintiff is informed and believes and thereupon alleges, that each
8 of the fictitiously named Defendants is legally responsible, intentionally, negligently,
9 or in some other actionable manner, for the events and happenings hereinafter
10 referred to, and thereby legally caused the injuries, damages, and violations and/or
11 and deprivation of rights hereinafter alleged. Plaintiff will seek leave of Court to
12 amend this Complaint and state the true names and/or capacities of said fictitiously
13 named Defendants when the same have been ascertained.

14 9. Pursuant to Government Code §910, or about March 9, 2011, Plaintiff,
15 in writing, duly presented to Defendants a claim for damages. Said claim was
16 rejected by operation of law on April 22, 2011.

17 **FIRST CAUSE OF ACTION**

18 **VIOLATION OF CIVIL RIGHTS, 42 U.S.C. §1983**

19 **AGAINST ALL DEFENDANTS**

20 10. Plaintiff hereby realleges and incorporates each and every allegation set
21 forth in Paragraphs 1 through 9 herein.

22 11. On or about October 9, 2010, Plaintiff was at his father's residence,
23 cutting a credit card with a pair of scissors, when two (2) unidentified police officers,
24 DOES 5 and 6, agents, employees and/or servants of Defendants CITY OF SANTA
25 PAULA and DOE 1, and/or its police department, acting within the course and scope
26 of their employment and under color of authority, entered and ordered Plaintiff to
27 drop the scissors. The startled Plaintiff did not react immediately, and looked at the
28 officers, when the officers shot Plaintiff at his abdomen. As Plaintiff was falling to

1 the ground, the officers tasered him on his hands, and then shot him for a the second
2 time on the left side of his rib cage.

3 12. At no time did Plaintiff pose a threat to the officers, himself and/or
4 others, and the use of force against him was unreasonable, unconstitutional, without
5 cause or justification, excessive and illegal, and in violation of Plaintiff's
6 constitutional rights to be free from excessive, unreasonable and unjustified force
7 against his person, and to be free from cruel and unusual punishment, and in violation
8 of his rights under the Fourth Amendment to the United States Constitution.

9 13. Plaintiff further alleges that Defendants CITY OF SANTA PAULA,
10 CHIEF STEVE MACKINNON, and DOES 1 through 4, and each of them, acting
11 with deliberate indifference to the rights and liberties of the public in general and of
12 Plaintiff in particular, knowingly maintained, enforced, and applied a policy and
13 practice of:

14 a. Employing and retaining officers who said Defendants at all times
15 material herein knew, or reasonably should have known, had dangerous propensities
16 for abusing and/or neglecting their authority and committing acts of excessive force;

17 b. Inadequately supervising, training, controlling, assigning and
18 disciplining officers who said Defendants knew, or in the exercise of reasonable care
19 should have known, had the afore-described propensities and character traits;

20 c. Maintaining grossly inadequate procedures for reporting, supervising,
21 investigating, reviewing, disciplining and controlling the conduct of the officers,
22 particularly with respect to illegal acts and acts of excessive force;

23 d. Fostering and encouraging a policy, pattern and practice of violence
24 through their official positions, which proximately resulted in the excessive force on
25 Plaintiff.

26 14. Defendant CHIEF STEVE MACKINNON, and DOES 2 through 4, and
27 each of them, were policy makers for Defendants CITY OF SANTA PAULA and/or
28 its police department, and knew and/or should have reasonably known that

1 Defendants DOES 5 and 6, and each of them, had a propensity to violate the civil
2 rights of persons and/or to fail to prevent the violations of civil rights by others,
3 including but not limited to, excessive, unreasonable and/or unjustified use of force,
4 yet failed to adequately train, retrain, monitor, supervise and discipline said
5 defendants.

6 15. Defendants CITY OF SANTA PAULA, CHIEF STEVE MACKINNON,
7 and DOES 1 through 4, and each of them, as a matter of policy, custom and/or
8 practice, have, with deliberate and reckless indifference, failed to adequately
9 discipline, train or otherwise direct officers concerning the rights of suspects,
10 permissible and/or excessive uses of force and otherwise reasonable dealings with
11 suspects, thereby causing DOES 5 and 6, and each of them, to engage in the unlawful
12 conduct described above.

13 16. Defendants CITY OF SANTA PAULA, CHIEF STEVE MACKINNON,
14 and DOES 1 through 4, and each of them, have, as a matter of policy, custom and/or
15 practice, with deliberate and reckless indifference, failed to properly sanction or
16 discipline officers, including Defendant DOES 5 and 6, for violations of the
17 constitutional rights of suspects, and have tolerated, ratified, permitted and condoned
18 systematic misuse of force, excessive force by officers, thereby causing them to
19 engage in said unlawful conduct.

20 17. Defendants CITY OF SANTA PAULA, CHIEF STEVE MACKINNON,
21 and DOES 1 through 4, and each of them, had knowledge that some or all of the
22 wrongs described in detail above, were about to be committed, had the power to
23 prevent or aid in the prevention of commission of said wrongful acts and by
24 reasonable diligence could have prevented the aforementioned wrongs conspired to
25 be done, but neglected and or refused to prevent, or aid in the prevention of
26 commission of said wrongs conspired to be done.

27 18. As a direct result of the wrongful conduct described herein, Plaintiff was
28 hurt and injured in his health, strength and activity, sustaining, among other injuries,

1 injury to his body and person, shock, and injury to his nervous system, all of which
 2 injuries have caused and continue to cause Plaintiff great mental, physical and
 3 nervous pain and suffering. As a result of such injuries Plaintiff has suffered general
 4 damages in an amount according to proof and within the jurisdictional limits of the
 5 Superior Court. As a further direct and proximate result of the attack on Plaintiff,
 6 Plaintiff has incurred medical expenses, loss of earnings and loss of earnings
 7 capacity.

8 19. As a further direct and proximate result of Defendants' actions, Plaintiff
 9 was deprived of rights, privileges and immunities under the Fourth Amendment to the
 10 United States Constitution and the laws of the State of California, in violation of 42
 11 U.S.C. §1983, including, but not limited to, his right to be free from unlawful arrests
 12 and from the use of excessive force.

13 20. Plaintiff is entitled to recover all damages provided for the violation of
 14 these rights and his personal injuries, including but not limited to, general and special
 15 damages according to proof, punitive damages, costs of suit and attorneys fees under
 16 42 U.S.C. §1988.

17 21. The aforementioned acts of Defendants DOES 5 and 6, and each of them,
 18 were done by them knowingly, intentionally, and maliciously, for the purpose of
 19 harassment, oppression and inflicting injury upon Plaintiff, and in reckless, wanton
 20 and callous disregard of Plaintiff's safety, security and Civil Rights. By reason
 21 thereof, Plaintiff claims exemplary and punitive damages from said Defendants in an
 22 amount according to proof at trial.

23 **SECOND CAUSE OF ACTION**

24 **ASSAULT AND BATTERY - AGAINST ALL DEFENDANTS EXCEPT** 25 **CHIEF MACKINNON**

26 22. Plaintiff hereby realleges and incorporates each and every allegation set
 27 forth in Paragraphs 1 through 21 as though set forth at length herein.

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23. Plaintiff is informed and believes, and thereupon alleges, that Defendants DOES 5 and 6, and each of them, deliberately, and with premeditated intent to injure Plaintiff, and wrongfully used excessive force without lawful excuse and justification.

24. Defendants DOES 5 and 6, and each of them, willfully and unlawfully committed a battery on the person of Plaintiff. At the time of the aforementioned battery, the Plaintiff posed absolutely no threat to Defendants whatsoever.

25. The conduct of Defendants DOES 5 and 6, and each of them, described herein above, was done within the course and scope of their employment, agency and/or service with Defendants CITY OF SANTA PAULA, and DOE 1, and under color of their authority, and Defendants CITY OF SANTA PAULA and DOE 1, and each of them, are, therefore, vicariously liable for same under Government Code §§815.2, 815.3 and 820.

26. As a direct and proximate result of Defendants' actions, Plaintiff's sustained the damages described herein above.

27. The aforementioned acts of Defendants DOES 5 and 6 were done by them knowingly, intentionally, and maliciously, for the purpose of harassment, oppression and inflicting injury upon Plaintiff, and in reckless, wanton and callous disregard of his safety, security and Civil Rights. By reason thereof, Plaintiff claims exemplary and punitive damages from said Defendants in an amount according to proof at trial.

THIRD CAUSE OF ACTION

VIOLATION OF CIVIL RIGHTS PURSUANT TO CIVIL CODE §§51.7 and 52.1(b)

AGAINST ALL DEFENDANTS EXCEPT CHIEF MACKINNON

28. Plaintiff hereby realleges and incorporates each and every allegation set forth in Paragraphs 1 through 26 herein.

29. The use of force by the Defendants and the conduct of Defendants, and each of them, was unconstitutional, without cause or justification, excessive and

1 illegal, and was due to Plaintiff's race, color, religion, ancestry, national origin,
2 disability, and/or medical condition, and violated Plaintiff's civil rights under Cal
3 Civ. Code §§51.7 and 52.1(b).

4 30. As a direct and proximate result of Defendants' actions, Plaintiff's
5 sustained the damages described herein above.

6 31. The conduct of Defendants DOES 5 and 6, and each of them, described
7 herein above, was done within the course and scope of their employment, agency
8 and/or service with Defendants CITY OF SANTA PAULA and DOE 1, and under
9 color of their authority, and Defendants CITY OF SANTA PAULA and DOE 1, and
10 each of them, are, therefore, vicariously liable for same under Government Code
11 §§815.2, 815.3 and 820.

12 32. The aforementioned acts of Defendants DOES 5 and 6 were done by
13 them knowingly, intentionally, and maliciously, for the purpose of harassment,
14 oppression and inflicting injury upon Plaintiff, and in reckless, wanton and callous
15 disregard of his safety, security and Civil Rights. By reason thereof, Plaintiff claims
16 exemplary and punitive damages from said Defendants in an amount according to
17 proof at trial.

18 **FOURTH CAUSE OF ACTION -**

19 **NEGLIGENCE**

20 **AGAINST ALL DEFENDANTS EXCEPT CHIEF MACKINNON**

21 33. Plaintiff re-alleges as though fully set forth at length and incorporated
22 herein all of the allegations and statements contained in paragraphs 1 through 31,
23 inclusive.

24 34. Pursuant to Penal Code §835, Defendants DOE 5 and 6, and each of
25 them, were under a duty to use no more than reasonable force to arrest Plaintiff,
26 prevent his escape or overcome his resistance. Said Defendants were under a duty not
27 to use excessive force. By using excessive and unreasonable force as alleged herein
28 above, Defendants breached their duty.

1 35. The conduct of Defendants DOES 5 and 6, and each of them, described
2 herein above, was done within the course and scope of their employment, agency
3 and/or service with Defendants CITY OF SANTA PAULA and DOE 1, and under
4 color of their authority, and Defendants CITY OF SANTA PAULA and DOE 1, and
5 each of them, are, therefore, vicariously liable for same under Government Code
6 §§815.2, 815.3 and 820.

7 36. As a proximate result of the afore-described acts of Defendants, Plaintiff
8 sustained the injuries and damages described herein above.

9 **WHEREFORE**, Plaintiff prays for Judgment against Defendants, as follows:

10 1. For general and special damages in an as yet unascertained amount but
11 within the jurisdiction of the Superior Court according to proof at time of trial, plus
12 interest thereon at the maximum legal rate;

13 2. For pre-Judgment interest, as recoverable;

14 3. For punitive damages against the individual defendants;

15 4. For reasonable attorneys' fees incurred herein and as recoverable;

16 5. For statutory damages;


17 6. For costs of suit incurred herein; and

18 7. For such other and further relief as the Court deems appropriate.

19
20 PLAINTIFF HEREBY DEMANDS TRIAL BY JURY.

21
22 Dated: May 6, 2011

LAW OFFICES OF GREGORY A. YATES, P.C.

23 
GREGORY A. YATES

24 Attorney for Plaintiff.

25 PHILLIP GARCIA GUEVARA

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge R. Gary Klausner and the assigned discovery Magistrate Judge is Frederick F. Mumm.

The case number on all documents filed with the Court should read as follows:

CV11- 4089 RGK (FFMx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

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NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

☒ **Western Division**
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

☐ **Southern Division**
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

☐ **Eastern Division**
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

Name & Address:

Gregory A. Yates, Esq.
 Law Offices of Gregory A. Yates, P.C.
 16830 Ventura Blvd., Suite 250
 Encino, CA 91436
 (310) 858-6944

UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA

Phillip Garcia Guevarra,

CASE NUMBER

PLAINTIFF(S)

v.

City of Santa Paula, Chief Steve Mackinnon, and
 DOES 1 through 10, Inclusive,

DEFENDANT(S).

CV11 04089 RGK (FFMx)

SUMMONS

TO: DEFENDANT(S): City of Santa Paula, Chief Steve Mackinnon, and DOES 1 through 10, Inclusive

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☒ complaint ☐ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Gregory A. Yates, Esq., whose address is 16830 Ventura Blvd., Suite 250, Encino, CA 91436. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

Dated: MAY 12 2011By: CHRISTOPHER J. YATES
Deputy Clerk

(Seal of the Court)



1181

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

I (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/>) Phillip Garcia Guevara	DEFENDANTS City of Santa Paula, Chief Steve Mackinnon, and DOES 1 through 10, Inclusive
(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) Gregory A. Yates, Esq. (SBN 63259) Law Offices of Gregory A. Yates, P.C. 16830 Ventura Blvd., Suite 250, Encino, CA 91436	Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an X in one box only.) <input checked="" type="checkbox"/> 1 U.S. Government Plaintiff <input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%; border-collapse: collapse;"> <tr> <th style="text-align: left;"></th> <th style="text-align: center;">PTF</th> <th style="text-align: center;">DEF</th> <th style="text-align: left;"></th> <th style="text-align: center;">PTF</th> <th style="text-align: center;">DEF</th> </tr> <tr> <td>Citizen of This State</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business in this State</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> </tr> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
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Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				

IV. ORIGIN (Place an X in one box only.)
☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify): ☐ 6 Multi-District Litigation ☐ 7 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT: **JURY DEMAND:** ☒ Yes ☐ No (Check 'Yes' only if demanded in complaint.)
CLASS ACTION under F.R.C.P. 23: ☐ Yes ☒ No **MONEY DEMANDED IN COMPLAINT:** \$ 2,000,000.00

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)
 42 U.S.C. 1983; Violation/Deprivation of Civil Rights Under Color of Law

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	TORTS PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	TORTS PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input checked="" type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 Habeas Corpus <input type="checkbox"/> 535 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition FORFEITURE/PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety /Health <input type="checkbox"/> 690 Other	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
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FOR OFFICE USE ONLY: Case Number:

CV11 04089

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT CALIFORNIA
CIVIL COVER SHEETVIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes

If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes

If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or
- ☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
- ☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
- ☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named plaintiff resides.

☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District: *	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles, County	

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named defendant resides.

☒ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District: *	California County outside of this District; State, if other than California; or Foreign Country
Ventura County	

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH claim arose.

Note: In land condemnation cases, use the location of the tract of land involved.

County in this District: *	California County outside of this District; State, if other than California; or Foreign Country
Ventura County	

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved.

X. SIGNATURE OF ATTORNEY (OR PRO PER): _____

Date _____

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))